

CITY OF NEWBERG COUNCIL MINUTES
FEBRUARY 6, 2012
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. A presentation was given from the city engineer on capital improvement projects. All Councilors and the Mayor were present; no action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:03 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

Staff

Present:	Daniel Danicic, City Manager	Terry Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
		Jennifer Nelson, Minutes Recorder

Others

Present: Mike Ragsdale, Randy Morgan DMD, Robert Nathaniel Travers, and Robert Soppe

III. PLEDGE OF ALLEGIANCE

Boy Scout Troop 265 performed the Color Guard. The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported the Citizens' Rate Review Committee (CRRC) Town Hall will be held this Wednesday in the Public Safety Building (PSB); the following Wednesday will be the final public hearing and decision on the recommendation to make to Council for consideration in March. Congresswoman Suzanne Bonamici will be holding a town hall meeting on February 22, 2012, with an invitation to the surrounding communities to attend. The Local Governments Dinner hosted by the City of Amity will be held on February 16, 2012. The sidewalks along N. College Street on the east side of the railroad are now finished so pedestrians can cross the tracks safely. A small water district served by the City Foothills Drive is down to four properties at this time and one of the four residents leading the district has moved to an assisted care facility; they anticipate the residents will come to Council to ask for support to take over the water district.

Councilor Ryan Howard asked about the origin of the funding for the N. College Street improvements currently being constructed. Mr. Danicic replied part was from the Oregon Department of Transportation (ODOT) when they made improvements to their storage yard on the north side of the tracks and some was from grant monies; the work on the sidewalks was at the City's expense.

V. PUBLIC COMMENTS

Mr. Mike Ragsdale, Newberg Downtown Coalition (NDC), with assistance from Mr. Randy Morgan submitted handouts and spoke to the Council on a request to rebuild the 2nd Street parking lot. Mr. Morgan is the chairperson on the committee created to address the "Merchant Lot". They discussed the history of the parking

lot, which is owned by the City and in need of repair and improvements for visual aesthetics to encourage the downtown businesses to enhance their retail façades. They presented designs for resurfacing, painting, and landscaping and asked for Council's support for the design concept by directing staff to proceed with steps to develop the project and possible funding (see official meeting record for full report).

Councilor Marc Shelton asked how the improvements compare to the amount being done at the Chehalem Cultural Center. Mr. Ragsdale replied it is roughly the same size and the costs including landscaping is about \$12.00 per square foot or approximately \$240,000.00.

Councilor Howard asked him to elaborate on the request for staff work. Mr. Ragsdale replied they brought it to Council and the City looking for guidance to move into the details of funding, lane flow, and parking considerations.

Councilor Shelton mentioned the design code and possibilities to do asphalt with swales for runoff to go into ground naturally. Mr. Barton Brierley, Planning and Building Director, replied this is an option.

Councilor Wade Witherspoon asked if the NDC and downtown businesses were in full support of the proposal. Mr. Ragsdale said the NDC Board approved it unanimously and Mr. Morgan has talked with the merchants; their concerns were with how many parking spots would be lost and where the funding would come from.

Mr. Nate Travers, Rendered Clothing, stated his full support and in speaking with others downtown, especially those right on First Street, they agree the entrance from the back would be nicer.

Mayor Andrews suggested discussing the topic further under the Council Business portion of the agenda.

Mr. Robert Soppe addressed issues he raised previously at the October 13, 2011, Council meeting regarding George Fox University (GFU) placing tickets on vehicles. He said he had conversations with GFU's Director of Security about their ability to confirm ownership of the vehicles before giving tickets and they choose not to do this because of time and expenses. He stated he had a meeting with Police Chief Brian Casey about how to better handle the situation. Second, he discussed funding mechanisms for matching funds for installing the sidewalks on N. College Street with grant monies; he said he was not sure if the grant was received because he got no response to this issue and he did not feel Council is meeting expectations when a request is referred to staff for follow-up. Lastly, he spoke of last week's meeting about the Cultural District and his displeasure with how the Chehalem Park and Recreation District (CPRD) handles residents concerns with parking. After attending the last four meetings he does not feel the parking concerns are being addressed and the new consultants were not even aware of the issues and did not even bring them up until neighbors did about forty-five minutes into the meeting and the consultant acted annoyed; he wanted Council to make a conscious decision and wished to see things handled appropriately.

Mayor Andrews asked about the research regarding the non-remonstrances. Mr. Danicic replied he has the report on his desk to review and will schedule it to be brought to Council.

Councilor Shelton mentioned he exchanged some opinions about handbills and asked if Mr. Soppe was looking for opinions or thinking more for enforcement of the ordinance. Mr. Soppe said he asked for a conversation about it, but Council never addressed if they thought GFU was in violation or not. Councilor Shelton said allowing handbills to be distributed is in violation of the ordinance.

Councilor Howard discussed the first concern about the college security's authority to ticket students' cars and not others; he said the violations of the ordinance needs to be addressed. Mr. Soppe said he presumes they are placing the tickets on cars based on appearance, but he was just frustrated it was not addressed, especially when they are threatening to tow vehicles.

Councilor Howard addressed the second concern about the Local Improvement District (LID) on N. College Street and asked staff if the grant money has been received yet. Mr. Danicic replied they have the grant and the consultant is on board and looking at the planned improvements; he added there is still time to bring this before Council. Mr. Soppe commented the decision would be taken out of the Council's hands if they keep pushing it off.

Councilor Howard addressed the third concern stating he was at the meeting for the Cultural District parking issues and disagreed the consultant did not address or discuss the concerns; he said just because everyone is not in favor does not mean it was not addressed. Mr. Soppe stated the parking is integrated into the plan and it is not clear when a decision should take place regarding the issues; he felt active decisions about what to do regarding the parking need to be made and the consultant stated they were not aware of the issues.

Councilor Shelton said he was comfortable there was still enough time to make a decision regarding the LID on College Street; he questioned staff if a condition of the grant excluded the use of an LID. Mr. Danicic replied it may not exclude an LID, but the City is matching costs and the consideration was to recoup costs through non-remonstrances. Councilor Shelton stated he did not believe an LID is an appropriate use for this because it is an issue of pedestrian and bicycle access on N. College Street and he felt it is something the City needs to provide. Mr. Soppe remarked it is not being done in a timely manner and added the City is not providing the funds for the improvements, but the developers are through System Development Charges (SDCs).

Councilor Bart Rierison spoke on the parking at the Cultural Center stating according to the CPRD Board meeting and he was under the impression the permits have not yet been issued because they did not yet set aside the \$50,000.00 for future underground utilities improvements. Mr. Danicic stated he met with Mr. Ragsdale and Mr. Don Clements, CPRD superintendent, and discussed a letter providing tentative approval with a resolution including their obligation to pay for improvements in the future.

Councilor Stephen McKinney addressed the parking issue with GFU and their right to enforce their rules and relationship with their students. He felt there have been fewer problems last year than in previous years and that it may be a matter of redefining what handbills are to correctly reflect the need to cite students for enforcement and delineate them from residents in an identifiable way. He said if the present ordinance is inadequate, then they need to correct it; but, they also need to allow for the college to have a way to enforce their rules as well. Mr. Soppe added the college can check out if the cars belong to residents or students and take a less expensive route.

VI. CONSENT CALENDAR

Consider a motion approving the January 3, 2012, City Council meetings.

<p>MOTION: Rierison/Shelton approving the City Council minutes from January 3, 2012, as amended. Motion carried (7 Yes/0 No).</p>

VII. PUBLIC HEARINGS

Consider a motion approving **Ordinance No. 2012-2748** repealing an Annexation and Development Agreement for the McClure Property at 30295 Highway 99W.

TIME – 7:45 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official meeting packet for full report).

Mayor Andrews opened and closed the public testimony; no citizens appeared. Staff recommended adoption. Mayor Andrews closed the public hearing.

MOTION: **Howard/Shelton** approving **Ordinance No. 2012-2748** repealing an Annexation and Development Agreement for the McClure Property at 30295 Highway 99W, read by title only.

Councilor McKinney expressed his sadness over this matter and the fact that the McClure's lost their right to do with their property what is in their best interest, as well as for the community. He spoke of them investing their lives into their property and the community of Newberg and the meaningful agreement they entered into with the Council and the City and spoke of his anger that people can no longer develop a piece of property they should have every right to. He felt special interest groups and the governor have way too much say in the affairs of property owners and the people have voted to give them that right. He grieved for such a special opportunity being lost. He added this would be one of the worst votes he would have to participate in tonight and wished to thank the McClure family for being a good neighbor and investing a great deal of their time and money into what would have been a great asset to the City. He suggested formally thanking the McClures at a later time as they were not present this evening.

Councilor Rierson said he is also frustrated. He was sorry that special interest groups and legal matters were taking a toll on the McClure family for something that would have appealed to so many levels of the community, but in the interest of their request he would be willing to accept the repeal.

Councilor Wade Witherspoon addressed the Boy Scouts youth present this evening stating it was a great evening for them to be present to hear the powerful testimony and encouraged them to listen as they are the leaders of tomorrow and are being counted on to not let this kind of thing happen in the future.

Councilor Denise Bacon stated she could not say more than what was already said and all her sympathies go to the McClures as they are wonderful people and this would have been a wonderful project for all of our best interests, not just their own..

Mayor Andrews agreed he was reluctant to cast a yes vote on this but he understands the need. He said he has a great deal of empathy for the problems associated with the passage of the ballot Measures 37 and 49, the interpretation of those measures, and the adverse activities in the Court of Appeals. He spoke of local government being close to the people and the importance of representing them. He wished to thank the McClures for their patience with the battles against special interests and said it is a shame the development could not occur. He said he also would support a separate motion to prepare a letter to the McClures expressing the Council's sentiments.

VOTE: Approving **Ordinance No. 2012-2748** repealing an Annexation and Development Agreement for the McClure Property at 30295 Highway 99W, read by title only. Motion carried (7 Yes/0 No).

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2012-2985** authorizing the city manager to negotiate a contract change order for the Fire Station 20 Remodel Project.

TIME – 8:05 PM

Mr. Jason Wuertz, Project Manager, presented the staff report (see official meeting packet for full report).

Councilor Howard asked for clarification on what the possible additional projects could be. Mr. Wuertz replied Exhibit "A" give a list of all the items being addressed currently and with approval of additional funds Group C

is the improvements they are considering that go over the contract amount. He said there will not be enough to do them all and with the nature and timing of the project it is better to approach the possibility now, rather than wait for finalizing specific dollar amounts. Councilor Howard asked if a necessary change occurs later will they still be able make this work by de-prioritizing other optional items. Mr. Wuertz said there is no longer a risk of finding more as they are passed the demolition point where they discover those issues. There is still a small contingency in the budget and a flexibility to take care of items independent of the contract.

Councilor McKinney asked about some of the items on page 142 just being to polish the project and make it all fresh and new. Mr. Wuertz said the goal is try to make this as complete of a project as they can make it. Councilor McKinney asked if he saw any reason why they may have to come back and ask for more changes. Mr. Wuertz replied he does not and spoke of this still being a part of the original grant funding, which has not been reached yet and briefly mentioned a slight possibility that grant could be increased.

Councilor Shelton asked about the contributions to cover the entire bell tower expense. Mr. Wuertz replied \$25,000.00 was authorized from the contribution of the firefighters association but it cost less than what was allotted; Chief Hallman is going to see if they can still get the full contribution to cover other things.

Mayor Andrews asked if the items in group C are only based on the negotiation for the availability of the rest of the \$25,000.00 and how they plan to expend within this list. Mr. Wuertz replied not all items on that list can be done, but they may be able to get more.

MOTION: **Rierson/Bacon** approving **Resolution No. 2012-2985** authorizing the city manager to negotiate a contract change order for the Fire Station 20 Remodel Project. Motion carried (7 Yes/0 No).

IX. COUNCIL BUSINESS

TIME – 8:16 PM

Mayor Andrews opened discussion about the NDC “Merchant Lot” proposal from Public Comments.

MOTION: **Witherspoon/Shelton** to authorize staff to explore and bring back proposals for the Newberg Downtown Coalition’s Second Street “Merchant Lot” Parking Lot design concept request.

Councilor Shelton Suggested staff look into the consideration for providing handicap parking with the eight spots required by the Americans with Disability Act (ADA) and how upgrades would be completed to the back entrances to allow handicap access as well.

Councilor Witherspoon asked for consideration to be given to improving the walkway between the parking lot and First Street for easy access.

VOTE: To authorize staff to explore and bring back proposals for the Newberg Downtown Coalition’s Second Street “Merchant Lot” Parking Lot design concept request. Motion carried (7 Yes/0 No).

Mayor Andrews mentioned the transition process for Congresswoman Suzanne Bonamici and the plans for a Town Hall Meeting to introduce her on February 22, 2012, at the Public Safety Building.

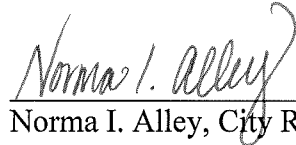
Councilor Howard gave updates on the Safe Routes to Schools project and efforts to encourage city wide participation in the upcoming Walk and Bike events.

MOTION: McKinney/Rierson to have the Mayor draft a letter to the McClures to be signed by the City Council expressing their feelings about the action taken tonight and to offer support. Motion carried (7 Yes/0 No).

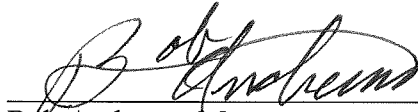
X. ADJOURNMENT

The meeting adjourned at 8:33 PM.

ADOPTED by the Newberg City Council this 5th day of March, 2012.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of March, 2012.


Bob Andrews, Mayor